

DEPARTMENT OF PLANNING  
STAFF REPORT

## PLANNING COMMISSION PUBLIC HEARING

**DATE OF HEARING: September 17, 2009**  
**ZCPA 2008-0012 University Center-Parcel L3A**  
**DECISION DEADLINE: February 2, 2010**  
**ELECTION DISTRICT: Broad Run PROJECT PLANNER: Michael Elabarger**

### EXECUTIVE SUMMARY

University Professional Center Condominium Association of Reston, Virginia has submitted an application to amend the concept plan and proffers approved with ZCPA 2005-0017, University Center, which permitted an aggregate total of 18,476 square feet of medical and dental office uses on Parcels L3A and L4B, in order to increase the maximum permitted floor area of medical and dental office use on Parcel L3A to 49,000 square feet within an existing three-story, 86,537 square foot building, with no resulting change in density or FAR, nor any change to the proffers applicable to Parcel L4B. The application also proposes a 20-foot wide right-of-way reservation, within the 100-foot setback for the landscape buffer, along the property's frontage on Harry Byrd Highway (Route 7) to accommodate the future expansion of Route 7, which would amend Proffer 8 of ZMAP-1992-0004/ZCPA-1992-0009, University Center, which established a 300-foot buildings setback, a 100-foot parking setback, and a 100-foot landscape buffer adjacent to Route 7.

In order to minimize the impacts of the potential increased traffic generated by the application, the applicant has proffered to develop no more than 21,779 square feet of the requested medical and dental uses – notwithstanding any square footage of this use already allowed per Proffer I.A. of ZCPA 2005-0017, which allowed the purchase and transfer of such floor area between Parcels L3A and L4B – prior to the opening of the Loudoun County Parkway/Route 7 interchange, or August 2, 2010, whichever occurs first.

The property is located within the Route 28 Taxing District and is also located partially within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour. The property is approximately 5.78 acres in size and is located on the north side of Route 7 and on the south side of Research Place (Route 1051) at 45155 Research Place, Ashburn, Virginia in the Broad Run Election District. The property is zoned PD-RDP (Planned Development – Research Development Park) under the 1972 Zoning Ordinance.

The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)), the Revised Countywide Transportation Plan, the Bicycle and Pedestrian Mobility Master Plan, and the Dulles North Area Management Plan, which recommend the property as a Keynote Employment Center and recommend non-residential densities between 0.4 and 1.0 Floor Area Ratio (FAR).

## RECOMMENDATION

Staff recommends that the Planning Commission forward the application to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated August 11, 2009 and based on the Findings in the September 17, 2009 Planning Commission Public Hearing staff report.

## SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2008-0012, University Center-Parcel L3A, to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated August 11, 2009 and the Findings contained in the September 17, 2009 Planning Commission Public Hearing staff report.

Or,

2. I move that the Planning Commission forward ZCPA 2008-0012, University Center-Parcel L3A, to a work session for further discussion.

Or,

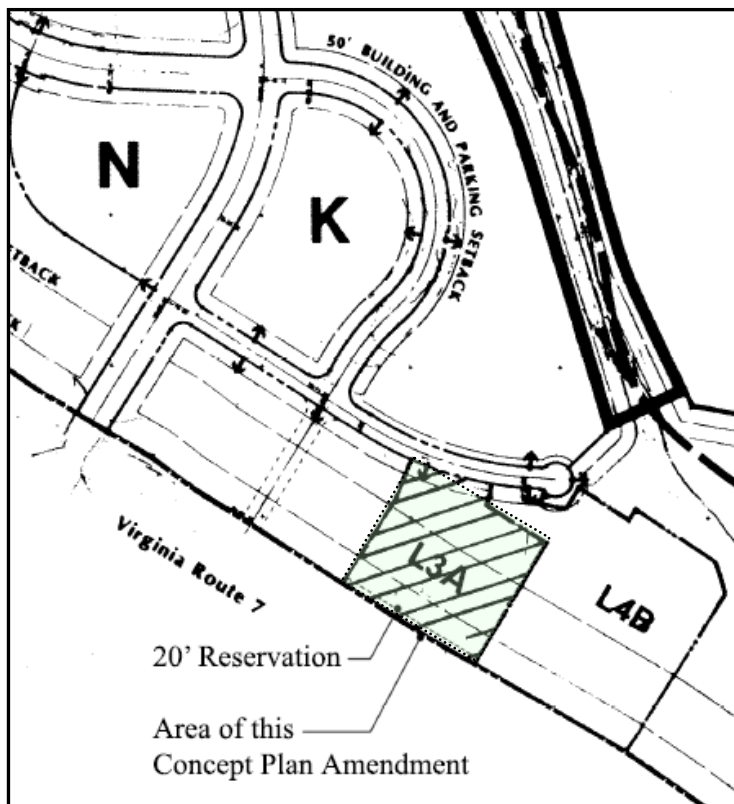
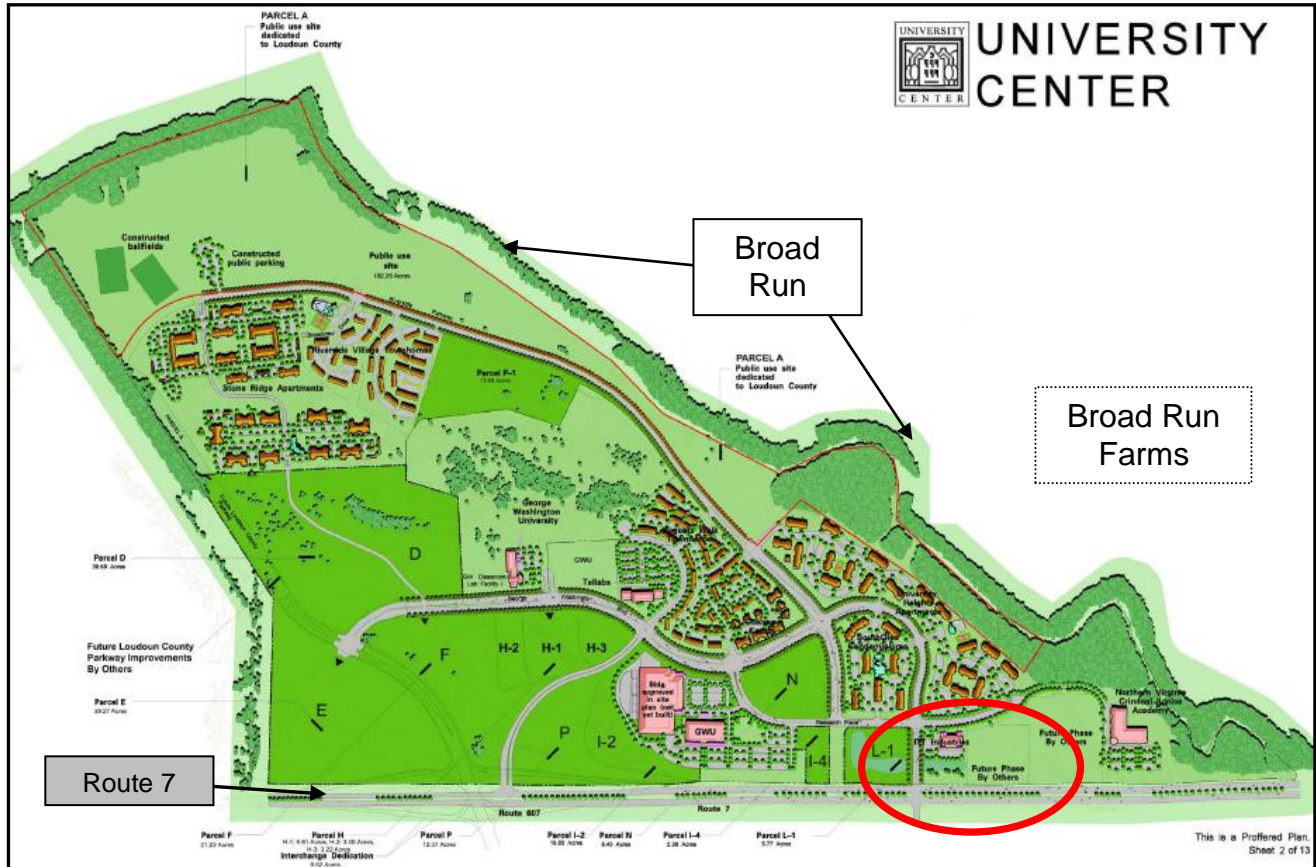
3. I move that the Planning Commission forward ZCPA 2008-0012, University Center-Parcel L3A, to the Board of Supervisors with a recommendation of denial, based on the following Findings:

---

---

---

## VICINITY MAP



### Directions from Leesburg:

Proceed east on Harry Byrd Highway (Route 7) to the intersection with George Washington Boulevard. Turn left into University Center, then right onto Research Place to 45155 on right.

## TABLE OF CONTENTS

I.	Application Information.....	5
II.	Summary of Discussion.....	7
III.	Findings for Approval.....	8
IV.	Project Review .....	8
A	Zoning History .....	8
B.	Context.....	9
C.	Summary of Outstanding Issues .....	10
D.	Overall Analysis .....	11
E.	<u>1972 Zoning Ordinance</u> Criteria for Approval.....	20
V.	Attachments .....	21

## I. APPLICATION INFORMATION

**APPLICANT:** University Professional Center  
William H. Lauer, President of the Board of Directors  
11450 Baron Cameron Avenue  
Reston, VA 20190  
703-796-1800  
[bill@tetrapatners.com](mailto:bill@tetrapatners.com)

**REPRESENTATIVE:** Cooley Godward Kronish, LLP  
Mark Looney and Shane M. Murphy  
11951 Freedom Drive  
Reston, Virginia 20190  
703-456-8000

**PROPOSAL:** Amend the Concept Plan and Proffers approved with ZCPA 2005-0017 to increase the permitted amount of medical and dental office use to 49,000 square feet on Parcel L3A.

The application was accepted for review on February 2, 2009.

**LOCATION:** 45155 Research Place, Ashburn, VA - Fronting Route 7, southeast of the George Washington Boulevard intersection with Route 7. See Vicinity Map, page 3, and Graphic (1.) on page 6.

**TAX MAP/PARCEL:** See List Below.

**ZONING:** PD-RDP (governed by the 1972 Zoning Ordinance)

**RESIDENTIAL UNITS:** N/A

**NON-RES. FLOOR AREA:** No additional

<b>SURROUNDING:</b>	<b><u>ZONING</u></b>	<b><u>EXISTING LAND USE</u></b>	<b><u>PLANNED LAND USE</u></b>
<b>NORTH</b>	R-16	Multi-family units	Keynote
<b>SOUTH</b>	PD-IP/PD-OP	Office/Vacant	Keynote
<b>EAST</b>	PD-RDP	Office	Keynote
<b>WEST</b>	PD-RDP	Office	Keynote

**ELECTION DISTRICT:** Broad Run



<b>Tax Map Number</b>	<b>PIN #</b>	<b>Tax Map Number</b>	<b>PIN #</b>
/63/E18PC/100/	040-48-6057-001	/63/E18PC/225/	040-48-6057-018
/63/E18PC/105/	040-48-6057-002	/63/E18PC/235/	040-48-6057-019
/63/E18PC/110/	040-48-6057-003	/63/E18PC/240/	040-48-6057-020
/63/E18PC/115/	040-48-6057-004	/63/E18PC/245/	040-48-6057-021
/63/E18PC/120/	040-48-6057-005	/63/E18PC/250/	040-48-6057-022
/63/E18PC/125/	040-48-6057-006	/63/E18PC/255/	040-48-6057-023
/63/E18PC/140/	040-48-6057-007	/63/E18PC/260/	040-48-6057-024
/63/E18PC/145/	040-48-6057-008	/63/E18PC/265/	040-48-6057-025
/63/E18PC/150/	040-48-6057-009	/63/E18PC/275/	040-48-6057-026
/63/E18PC/155/	040-48-6057-010	/63/E18PC/300/	040-48-6057-027
/63/E18PC/160/	040-48-6057-011	/63/E18PC/340/	040-48-6057-028
/63/E18PC/165/	040-48-6057-012	/63/E18PC/350/	040-48-6057-029
/63/E18PC/200/	040-48-6057-013	/63/E18PC/355/	040-48-6057-030
/63/E18PC/205/	040-48-6057-014	/63/E18PC/360/	040-48-6057-031
/63/E18PC/210/	040-48-6057-015	/63/E18PC/365/	040-48-6057-032
/63/E18PC/215/	040-48-6057-016	/63/E18PC/375/	040-48-6057-033

*Graphic (#1): Existing 3-story, 86,537 square foot office building at 45155 Research Place*



<b>II. SUMMARY OF DISCUSSION</b>	
<b>Topic/Issue Area</b>	<b>Issues Examined and Status</b>
<b>Comprehensive Plan</b>	<ul style="list-style-type: none"> <li>Indicate compliance with Keynote Employment Policies. RESOLVED; applicant justified market demands, location benefits, and medical office use as supportive of Keynote Employment policies.</li> </ul>
<b>Transportation</b>	<ul style="list-style-type: none"> <li>The interim traffic impacts decrease LOS before the Route 7/Loudoun County Parkway interchange opens. RESOLVED; Proffer I.A. provides a phased development that will negate the traffic impact (compared to that already approved) prior to the interchange opening.</li> </ul>
<b>Zoning</b>	<ul style="list-style-type: none"> <li>Revise Statement of Justification to address <u>Ordinance</u> Section 1208. RESOLVED, the correct criteria for approval addressed.</li> <li>Justify medical office use in PD-RDP district. RESOLVED; market demand and relation to surrounding medical uses.</li> <li>Provide corrections/clarifications to the Plat sheets. RESOLVED; see the attached ZCPA Plat set.</li> <li>Make several corrections/clarifications to the proffer statement. RESOLVED; see Attached Proffer Statement.</li> </ul>

<b>Policy or Ordinance Sections Subject to Application</b>
<b><u>Revised General Plan</u></b>
Chapter 1 / Relationship to Other County Planning Documents / 2 <sup>nd</sup> Paragraph
Chapter 6 / Suburban Policy Area / (B.) Business / (3.) Keynote Employment Centers.
Chapter 7 / Planned Land Use Map
Chapter 11 / Light Industrial and Regional Office Design Guidelines.
Countywide Transportation Plan (CTP)
Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan)
<b><u>1972 Zoning Ordinance</u></b>
Section 725 – Planned Development – Research and Development Park (PD-RDP)
Section 1208.2 – Matters to Be Considered in Reviewing Proposed Amendments

### III. FINDINGS FOR APPROVAL

1. The application is consistent with the Revised General Plan by enabling the applicant to develop additional medical and dental office uses on this parcel and fulfill a component of the Keynote Employment Center policies.
2. The increase of square footage to 49,000 for medical and dental office uses on Parcel L3A, within an existing 86,537 square foot building, would provide space for additional medical and dental providers within the County.
3. There is no increase in density of overall office uses, from that which is already approved within University Center, as a result of this application.
4. The 20' right-of-way dedication, within the existing 100' landscape buffer setback, would facilitate the future expansion of, but not impact the character of, Route 7.
5. The additional trips generated by allowing more medical and dental uses, compared to the already approved general office uses, can be absorbed with satisfactory levels of service once the Loudoun County Parkway/Route 7 interchange opens.

### IV. PROJECT REVIEW

#### A. Development History

The University Center development has a lengthy legislative zoning and development history, as briefly outlined below:

- *ZMAP 1986-0029 – Approved November 7, 1988, to rezone 575.80 acres from A-3 zoning to the PD-RDP and PD-H30 zoning districts to develop up to 8,307,067 square feet of PD-RDP non-residential uses and up to 850 PD-H30 multi-family residential dwelling units by the Washington Engineering Associates Limited Partnership (“WEA”).*
- *ZMAP 1992-0004 and ZCPA 1992-0009 – Approved January 6, 1993 as a complete revision to ZMAP 1986-0029, to develop an additional 1,562 dwelling units within an expanded PD-H30 zoned area, to yield a total of 2,388 residential units, and a reduction in PD-RDP floor area square footage from 8,307,067 to 7,125,504 square feet, by WEA.*
- *ZMAP 1993-0001 – Approved August 4, 1993 to increase the size of the PD-H30 zoned area to permit townhouse units to be built in addition to multi-family units, by WEA.*
- *ZCPA 1993-0004 – Approved May 4, 1994, to downsize the on-site alignment of Riverside Parkway from a four-lane divided roadway within a 120-foot right-of-way to a four-lane undivided roadway within a 70-foot right-of-way, by WEA.*
- *ZMOD 1994-0001 – Approved October 19, 1994, to reduce the minimum lot width for townhouse units to 16 feet, by WEA.*



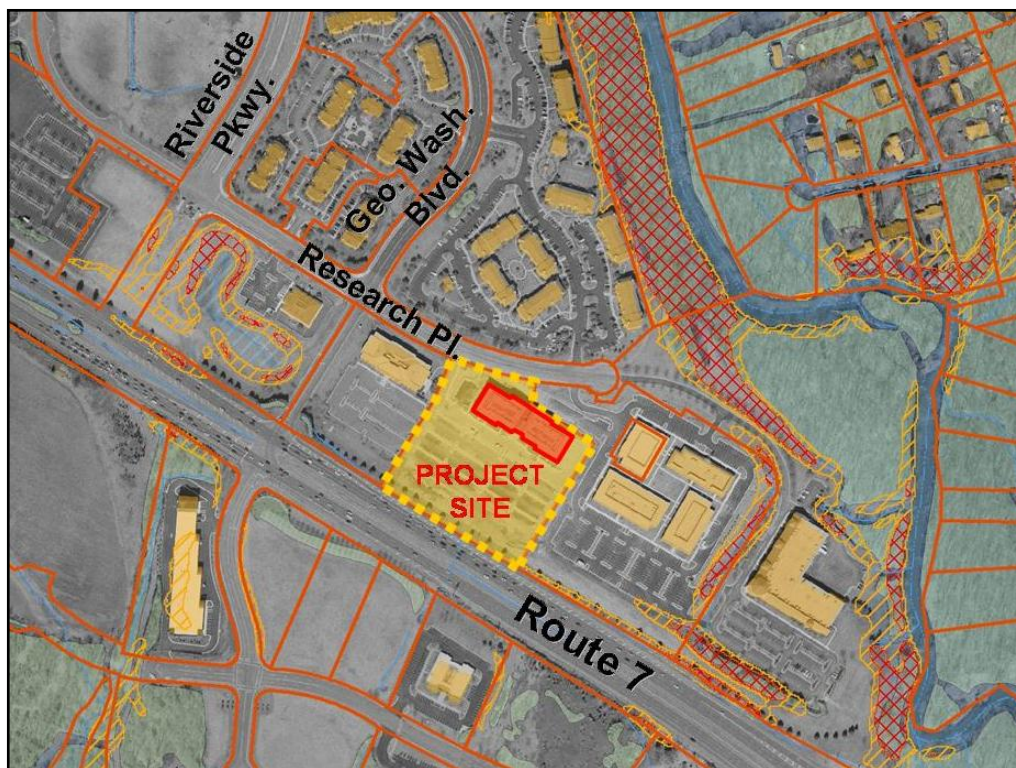
- *December of 1998 - WEA turned over title to the undeveloped PD-RDP parcels to Collin Equities, Inc., a wholly-owned subsidiary of Wells Fargo Bank. WEA retained title to the undeveloped PD-H30 portions of University Center to complete the residential build-out.*
- *ZCPA 2000-0009 – Approved December 2, 2002, to further amend the concept plan and proffers by reducing the office floor area square footage for the property from 7,125,504 square feet to 2,065,273, with the exception of the George Washington University development, which is excluded from the proffers.*
- ***ZCPA 2005-0017 – Approved July 11, 2006, for Parcels L3 and L4B, to eliminate the Research and Development use limitations and allow professional office uses, including medical and dental office uses, subject to the Proffer Statement dated July 10, 2006.***
- *ZCPA 2006-0005 – Approved May 20, 2008, to amend the concept plan and proffers approved with ZCPA 2000-0009 in order to increase the amount of floor area, while maintaining the same maximum floor area ratio (FAR), for Parcels E, F, and P, due to less right-of-way being needed for the grade-separated interchange anticipated under ZCPA 2000-0009. The increased developable area resulted in an additional 140,746 square feet being proposed for development which would result in a maximum of 2,206,019 total square feet proposed with no resulting change in density.*

## **B. Context**

The subject parcel, approximately 5.78 acres in size, has been developed with a three-story, 16 condominium unit commercial office building of approximately 86,537 square feet. According to the applicant, less than 45% of this building has been leased or sold, in a combination of research and development-related office uses and medical and dental office uses. The remaining available square footage of the building has been vacant since construction due to, according to the applicant, a lack of market demand for general/traditional office users. The applicant has further noted that there has been substantial interest from medical and dental providers to locate in this existing building, which prompted this application.

The parcel is north of Route 7, east of George Washington Boulevard, and south of Research Place within the University Center development. Within University Center, this parcel is bordered on the east by Parcel L4B (with four one-story office buildings) and on the west by a three-story office building, both of which are zoned PD-RDP and planned for Keynote Employment uses. Parcel M, to the north, is zoned R-16 (Townhouse/Multi-Family) and developed with multi-family structures. To the south, across Route 7, is the Loudoun Center property (ZMAP 1984-0008), which is partially developed and zoned PD-IP and planned for Keynote Employment uses. See Graphic (#2) and the Vicinity Maps on page 3 for the location.

Graphic (#2): Location of Lot L3A within University Center



The application is proposing to increase the permitted amount of medical and dental office uses to 49,000 maximum square feet in this existing building, with a provision for phasing the development in accordance with the development of the Loudoun County Parkway/Route 7 interchange currently under construction and anticipated for completion in the fall of 2010. No physical changes to the existing building or the site are proposed.

The Zoning and Transportation sections, further in this staff report, fully detail, compare, and analyze the current governing proffer and that proposed with this application, and describes how, when, and with what impacts the proposal could be developed.

### **C. Summary of Outstanding Issues**

There are no outstanding issues with the application. The draft Proffer Statement, currently dated August 11, 2009, has gone through several revisions, and was reviewed by Building and Development-Zoning Administration and Office of the County Attorney staff, and all recommended changes were made by the applicant. A final review by the County Attorney of the signed proffer statement, to determine its approval as to legal form, will take place prior to action by the Board of Supervisors.

## **D. Analysis**

### **LAND USE**

The site is governed under the policies of the Revised General Plan (Plan), the Revised Countywide Transportation Plan (CTP), and the Bicycle/Pedestrian Mobility Master Plan. The site is located in the Ashburn community of the Suburban Policy Area and is planned for Keynote Employment uses. Keynote Employment Centers are intended to be “100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees”, with large scale users of 40,000 gross square feet or greater the desired type of primary office tenant, and are described in the Plan as areas that “have high visibility along major corridors, their structures accented with heavily landscaped greens and tree-lined boulevards, and reflect the County’s growing prominence as a global crossroads for business”. The non-residential components of University Center that are built today largely reflect these Plan Policies in terms of their physical development.

Staff had initial concern regarding the design of the existing building, which contains 16 condominium units<sup>1</sup>, as these (on average) smaller tenant spaces can work opposite the Plan policies for Keynote, which seeks larger-scale users. However, the design of the existing building is not part of this application, and the size of any of the units is variable and could include very large units, which would not preclude larger scale users from occupying them. As previously noted, the applicant has indicated that there has been a lack of interest in the condominium units for general office users (large or small), but that there is a local shortage of medical and dental office space, and that this sector of the economy has shown interest in the location. The applicant further stated that the proposed amendment could help alleviate the building’s current multi-year vacancies, increase County revenues, and fulfill unmet healthcare needs, some of which are accomplished outside the County. The property is also proximate to Inova Loudoun Hospital and the Howard Hughes Medical Institute, which could create a synergistic relationship suitable for medical and dental uses. Additionally, the applicant has stated that raising the ceiling on the amount of medical and dental uses allowed on Parcel L3A could attract high-quality medical practitioners to the County, help maintain the stability of the regional office uses envisioned for the area, increase the County tax base, employ County residents, and enhance County real estate values.

Staff finds these conclusions reasonable, and supports the amendment request from a land use perspective. The application would provide the applicant the option of developing the additional medical office uses, without precluding the ability to occupy the building with 100% general office uses, if that were their desire. For these reasons, no issue remains with the requested increase of the medical and dental office use.

---

<sup>1</sup> The sixteen condominium units in the 86,537 square foot (sf) building would average 5,406 sf per unit, and Plan Policy envisions larger-scale users of 40,000 sf or greater.

## ZONING

The property is zoned Planned Development-Research and Development Park (PD-RDP) subject to the 1972 Zoning Ordinance and falls within the Airport Impact Overlay District (the Ldn 60 one-mile buffer). Through review of this application, all comments and suggestions from Zoning Administration staff were instituted by the applicant, and there are no outstanding zoning issues with the proposed application. If approved, Parcel L3A could be developed with all the permitted principle uses within the PD-RDP zoning district, including medical and dental office as described in the proffer statement (and below).

As previously noted, University Center, and this property, have undergone several legislative zoning actions over the last two decades plus. Parcel L3A was most recently subject to ZCPA 2005-0017, *University Center*, whose proffers – for Lots<sup>2</sup> L3A and L4B (adjacent to the east) – limit medical and dental uses to no more than a cumulative, but transferable, total of 18,476 square feet. That application, and this currently proposed application, are described in detail below, with the focus on how the currently approved proffer governs Parcel L3A, the relationship that exists with Parcel L4B, and that which is proposed with this application. It must be clear that Lot L4B is not directly a part of this application, and the applicant does not propose any change to the governing proffer for Lot L4B as a result of this proposed amendment application.

### ZCPA 2005-0017, *University Center* – Approved July 11, 2006

This application revised the governing concept plan and proffers to eliminate the restriction on permitted and permissible uses for Parcel L3A (known and referred to then as Lot L3) and Parcel L4B (known and referred to then as Lot L4B). It removed the limited Research and Development (R & D) uses for these two lots/parcels that were noted on the concept plan (Sheet 4 of the ZCPA plan set, Note 1.B.), which stated:

*Parcel L shall be restricted to R & D uses per the following definition of R & D, provided, however, that this restriction shall not apply to Lots L3A and L4B*

*Research and Development Uses shall be defined as “activities related directly to the discovery, invention, study, design, production, implementation or dissemination of new, revised or improved products, systems, techniques, technologies, programs, services or endeavors; including but not limited to those activities which address information, engineering, communication, economic, electronics, educational/training, health, human resources, agricultural, governmental, energy and operation research matters and necessary office space and other support space needed for these activities;”*

and established the use list shown on Sheet 4 of that ZCPA plan set stated under “DISTRIBUTION OF USES AND PERMITTED USES” (note 1.A.) and as limited by note 1.C. In general, that application allowed professional offices, including medical and dental office uses.

---

<sup>2</sup> See below, Parcel L3A was previously referenced as “Lot L3” and Parcel L4B as “Lot L4B”.

Per its' Proffer I.(A.) – see below – it states that up to 9,779 square feet of medical and dental uses were permitted for Parcel L3A, and up to 8,697 square feet for Parcel L4B. However, it also states that this total square footage could be shared (an alternate allocation as agreed upon by landowners of each parcel) cumulatively between the two parcels, as long as the total did not exceed 18,476 square feet (the sum of the two maximum amounts).

Graphic (#3): Proffer I.(A) from ZCPA 2005-0017, University Center

I. Concept Development Plan.

Proffer 1.(A) of the Proffers is hereby replaced with the following:

(A) The Subject Property shall be developed in substantial conformance with Sheet 4 of 4 of the exhibit entitled "Zoning Concept Plan Amendment, University Center, Lots L3 and L4B" prepared by Patton, Harris, Rust & Associates of Leesburg, Virginia, dated December 22, 2005 and revised through July 10, 2006, attached hereto as Exhibit A; provided, however, that no more than Nine Thousand Seven Hundred Seventy-nine (9,779) square feet of floor area on lot L3 shall be occupied by medical or dental offices and no more than Eight Thousand Six Hundred Ninety-seven (8,697) square feet of floor area on lot L4B shall be occupied by medical or dental offices, or in accordance with any other alternate allocation of the permitted medical and dental use square footage as between lots L3 and L4B provided that all owners of the subject property sign any zoning permit application that would result in an alternate allocation, and so long as no more than Eighteen Thousand Four Hundred Seventy-six (18,476) square feet of floor area shall be occupied by medical and dental offices on lots L3 and L4B collectively.

This is interpreted as meaning that this medical and dental use – 18,476 square feet (sf) – could be transferred between these two parcels in part or entirety. Therefore, either Parcel L3A or L4B could theoretically develop today, by the current proffer, up to 18,476 square feet of medical and dental use, *so long as the sum of that use on both parcels did not exceed 18,476 sf*. There are, in actuality, no limits, or "caps" of 9,779 sf for L3A and 8,697 sf for L4B, because the second part of the statement negates the first half by allowing such alternate allocation by property owner agreement and participation in zoning permit applications.

ZCPA 2008-0012, University Center-Parcel L3A

This application seeks to expand the amount of possible medical and office uses to a maximum of 49,000 square feet on Parcel L3A. In an effort to limit the traffic impact of more medical and office use (as opposed to the less intense office uses currently permitted), Proffer I.(A). provides that no more than 21,779 square feet of medical or dental office uses could be developed (receive occupancy permits) on Parcel L3A prior to the opening of the interchange at Loudoun County Parkway and Route 7 for use by the general public, or August 2, 2010, whichever is earlier. It does include the clause that, as described above regarding Proffer I.(A). of ZCPA 2005-0017, any medical and dental use density arranged with Parcel L4B would not count toward this total. Therefore, the applicant could in theory develop anywhere between 30,524 (49,000 – 18,476) and 49,000 square feet above what is



already approved on this parcel. The application also proffers a twenty foot (20') road reservation on the property frontage with Route 7 for possible future expansion of that roadway.

Graphics (#4) and (#5) below identify the “best-case” and “worst-case” scenarios of the fully built-out development possibilities described above. This is not an indictment of the preferred or desired use, just an analysis base on the primary impact generated by any office use: vehicle traffic. An analysis of this, based on trip generation, is provided in the Transportation section of this report. It must be noted that these comparisons assume a full build-out/occupancy of the building on Parcel L3A, which is theoretically a possibility at any time; the applicant's submissions have indicated a current occupancy of approximately 45%.

Graphic (#4): Square Footage – BEST CASE Scenario

		Medical / Dental	General Office	TOTAL
<b>Approved (ZCPA 2005-0017)</b>	Parcel L3A	18,476 *	68,061	86,537
	Parcel L4B	0	unknown	unknown
	Total	18,476		
<b>Proposed (ZCPA 2008-0012) – INTERIM</b> Before interchange opens or August 2, 2010	Parcel L3A	40,255 **	46,282	86,537
	Parcel L4B	0	unknown	unknown
	Total	40,255		
<b>Proposed (ZCPA 2008-0012) – BUILD-OUT</b> After August 2, 2010	Parcel L3A	49,000	37,537	86,537
	Parcel L4B	0***	unknown	unknown
	Total	49,000***		

\* - Assumes the possible transfer of all 18,476 sf allowed by the Proffer I.(A). of ZCPA 2005-0017 to L3A.

\*\* - Sum of the transferable 18,476 sf allowed by Proffer I.(A). of ZCPA 2005-0017 to Parcel L3A and the 21,779 sf allowed by Proffer I.(A). of ZCPA 2008-0012.

\*\*\* - Assumes that all of the transferable 18,476 sf allowed by Proffer I.(A). of ZCPA 2005-0017 has been developed on Parcel L3A, and then Parcel L3A developed an additional 30,524 sf to reach the maximum amount of the use allowed by Proffer I.(A). of ZCPA 2008-0012 after August 2, 2010.

Graphic (#5): Square Footage – WORST CASE Scenario

		Medical / Dental	General Office	TOTAL
<b>Approved (ZCPA 2005-0017)</b>	Parcel L3A	0	86,537	86,537
	Parcel L4B	18,476 *	unknown	unknown
	Total	18,476		
<b>Proposed (ZCPA 2008-0012) – INTERIM</b> Before interchange opens or August 2, 2010	Parcel L3A	21,779	64,758	86,537
	Parcel L4B	18,476 *	unknown	unknown
	Total	40,255		
<b>Proposed (ZCPA 2008-0012) – BUILD-OUT</b> After August 2, 2010	Parcel L3A	49,000**	37,537	86,537
	Parcel L4B	18,476 *	unknown	unknown
	Total	67,476		

\* - Assumes the possible transfer of all 18,476 sf allowed by the Proffer I.(A). of ZCPA 2005-0017 to L4B.

\*\* - The maximum amount of medical and dental use that could be developed after August 2, 2010 as proposed by Proffer I.(A). of ZCPA 2008-0012.

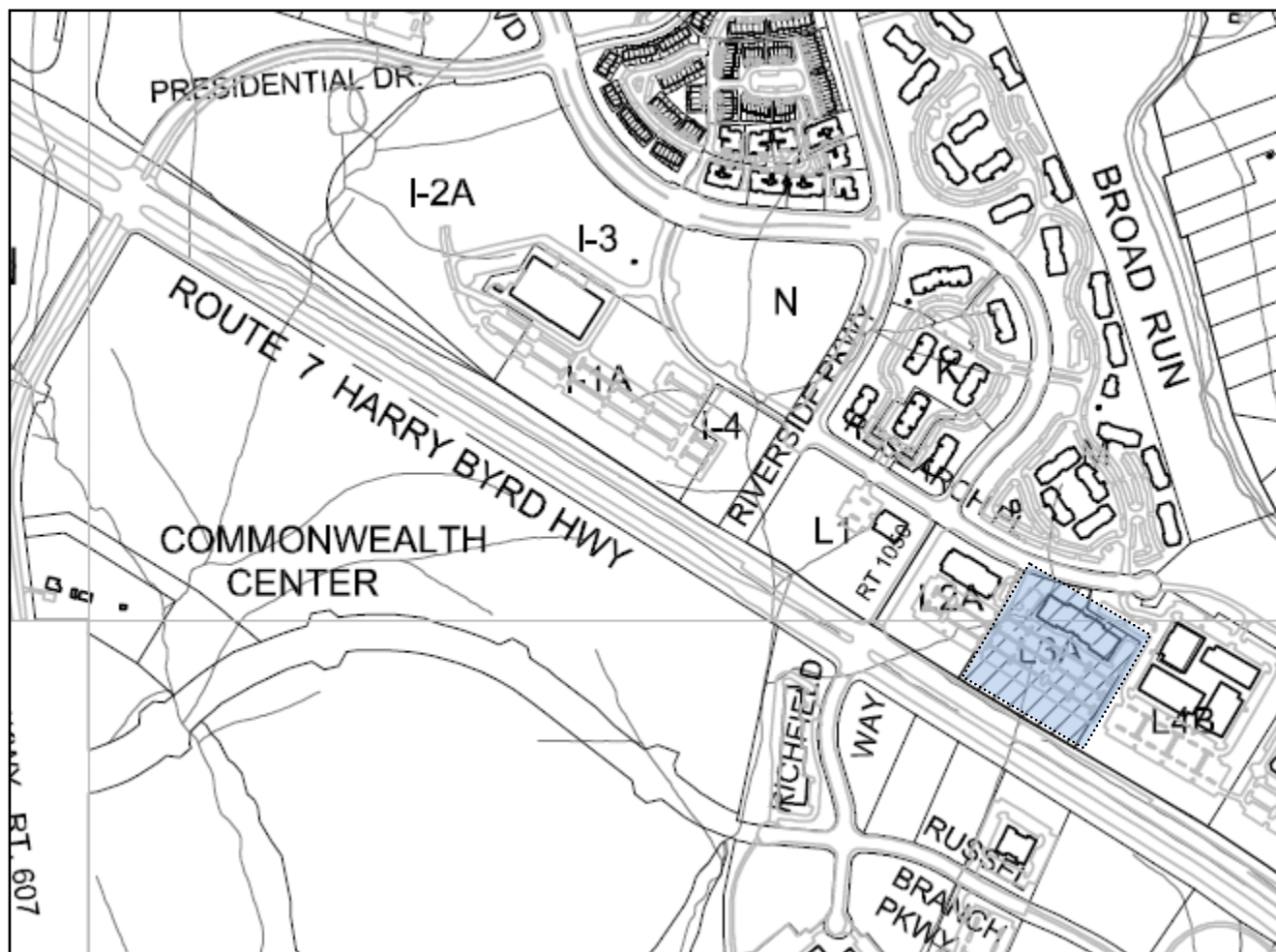


As evidenced in the tables, whether in a “worst” or “best” case scenario, the amount of medical and dental office use capable of being developed is the same under the “APPROVED” existing proffer and the “INTERIM” phase of the proposed proffer. The difference could be 18,476 additional square feet of medical and dental uses, in the “BUILD-OUT” phase after the interchange is open, or August 2, 2010, should the applicant exercise all options in transferring this already approved density to Parcel L4B. Given the market demand for this use that has persuaded the applicant to bring forth this application to increase the amount of medical and dental use for Parcel L3A, it is logical that the applicant would transfer this more ‘valuable’ office use to Parcel L4B, rather than maintain that which is already located in L3A and simply add to that up to the maximum 49,000 square feet. The applicant can address this possibility at the public hearing.

## TRANSPORTATION

The site is located in the northeast quadrant of the Route 7/George Washington Boulevard intersection in the University Center development. See Graphic (#6) and the attached referrals from the Office of Transportation Services (OTS) for full detail of the road facilities in the area. Primary access to Parcel L3A, on Research Place, is from George Washington Boulevard, which currently has a direct signalized intersection with Route 7 near the subject site. Secondary access is currently from the Route 7 intersection with Presidential Drive, which connects to George Washington Boulevard, and then to Research Place. Once the Loudoun County Parkway interchange<sup>3</sup> is completed, both of these connections to Route 7 will be closed, and the only access into and out of University Center (it is land-locked by the Broad Run, Potomac River, and Potomac Farms neighborhood) will be via the interchange.

Graphic (#6). – Road Network surrounding Parcel L3A



<sup>3</sup> A single-point urban diamond interchange is currently under construction at the intersection of Route 7 and Presidential Drive (north of Route 7) and Loudoun County Parkway (south of Route 7). Completion is anticipated by the fall of 2010.

## Trip Generation & Analysis of Proffer Statements for ZCPA 2005-0017 and ZCPA 2008-0012

Building off the analysis of the development allowed by the current and proposed proffer statements in the Zoning section of this report, Graphics (#7) and (#8) below identify the “best-case” and “worst-case” traffic generation possibilities in the same manner. They were created using both the applicant’s traffic impact study and the Institute of Transportation Engineers (ITE) land use codes for general office (#710) and medical (including dental) office (#720). Because both Parcel L3A and L4B direct their generated traffic to the same road network, and exit onto Route 7 at George Washington Boulevard, the transferability of the approved 18,476 sf of medical and dental maintained in the proffer statement requires an analysis of the potential scenarios of development to determine what impacts could occur.

### Graphic (#7): Traffic Generation – BEST CASE Scenarios

Approved (ZCPA 2005-0017)		ITE Code	Square Footage	AM Total	PM Total	ADT
Parcel L3A	Medical / Dental	720	18,476 *	46	66	541
	General Office	710	68,061	138	155	992
	<b>TOTAL</b>		<b>86,537</b>	<b>184</b>	<b>221</b>	<b>1,533</b>
Parcel L4B	Medical / Dental	720	0 *	0	0	0
Proposed (ZCPA 2008-0012) – INTERIM Before interchange opens or August 2, 2010			Square Footage	AM Total	PM Total	ADT
Parcel L3A	Medical / Dental	720	40,255 **	100	135	1,430
	General Office	710	46,282	101	131	737
	<b>TOTAL</b>		<b>86,537</b>	<b>201</b>	<b>266</b>	<b>2,167</b>
Parcel L4B	Medical / Dental	720	0 *	-	-	-
Proposed (ZCPA 2008-0012) – BUILD-OUT After August 2, 2010			Square Footage	AM Total	PM Total	ADT
Parcel L3A	Medical / Dental	720	49,000	122	162	1,789
	General Office	710	37,537	86	121	627
	<b>TOTAL</b>		<b>86,537</b>	<b>208</b>	<b>283</b>	<b>2,416</b>
Parcel L4B	Medical / Dental	720	0 ***	0	0	0

\* - Assumes the transfer of all 18,476 sf allowed by the Proffer I.(A). of ZCPA 2005-0017 to L3A.

\*\* - Assumes that all of the transferable 18,476 sf allowed by Proffer I.(A). of ZCPA 2005-0017 has been developed on Parcel L3A, and then Parcel L3A developed the proposed interim maximum of 21,779 sf to reach the maximum amount of the use allowed by Proffer I.(A). of ZCPA 2008-0012 before the interchange opens or August 2, 2010.

\*\*\* - Assumes the transfer of all 18,476 sf allowed by Proffer I.(A). of ZCPA 2005-0017 to L3A.

Graphic (#8): Traffic Generation – WORST CASE Scenarios

Approved (ZCPA 2005-0017)		ITE Code	Square Footage	AM Total	PM Total	ADT
Parcel L3A	Medical / Dental	720	0 *	0	0	0
	General Office	710	86,537	167	176	1,193
	<b>TOTAL</b>		<b>86,537</b>			
Parcel L4B	Medical / Dental	720	18,476 *	46	66	541
<b>TOTAL – L3A Gen. Office build-out and L4B all allowed Medical/Dental</b>			<b>105,013</b>	<b>213</b>	<b>242</b>	<b>1,734</b>
Proposed (ZCPA 2008-0012) – INTERIM Before interchange opens or August 2, 2010			Square Footage	AM Total	PM Total	ADT
Parcel L3A	Medical / Dental	720	21,779	54	76	676
	General Office	710	64,758	132	151	955
	<b>TOTAL</b>		<b>86,537</b>	<b>186</b>	<b>227</b>	<b>1,631</b>
Parcel L4B	Medical / Dental	720	18,476 *	46	66	541
<b>TOTAL – L3A Gen. Office and Medical/Dental build-out and L4B all allowed Medical/Dental</b>			<b>105,013</b>	<b>232</b>	<b>293</b>	<b>2,172</b>
Proposed (ZCPA 2008-0012) – BUILD-OUT After August 2, 2010			Square Footage	AM Total	PM Total	ADT
Parcel L3A	Medical / Dental	720	49,000	122	162	1,789
	General Office	710	37,537	86	121	627
	<b>TOTAL</b>		<b>86,537</b>	<b>208</b>	<b>283</b>	<b>2,416</b>
Parcel L4B	Medical / Dental	720	18,476 *	46	66	541
<b>TOTAL – L3A Build-Out and L4B Medical/Dental</b>			<b>105,013</b>	<b>254</b>	<b>349</b>	<b>2,957</b>

\* - Assumed transfer of all 18,476 sf allowed by the Proffer I.(A). of ZCPA 2005-0017 to L4B.

The Approved Proffer - Upon analysis of the numbers, the “best case” scenario produced slightly less AM and PM peak and ADT numbers than the “worst case” scenario, but did have less total square footages (86,537 to 105,013) with the inclusion of the approved density in Parcel L4B.

The “Interim” Proffer – This also created slightly smaller numbers in the “best case” scenario, which again, had smaller total square footages (86,537 to 105,013) with the inclusion of density in Parcel L4B. The total ADT was only 5 trips greater in the “worst case”.

The “build-out” Proffer (interchange open or August 2, 2010) – Here, the “worst case” scenario far exceeded the “best case”, because the transferability of density occurred with all 18,476 sf developed in Parcel L4B, and Parcel L3A then developed 49,000 sf of medical and dental uses, for a total of this use on both parcels of 67,476 sf. The total ADT increased 541 trips, with 46 AM and 66 PM more peak trips.

### Level of Service (LOS) / Conclusion

The overall result of this analysis is that, after the interchange opens to the public, all the previously approved density – and that proposed with this application – can be absorbed by that interchange with acceptable levels of service throughout the immediate road network. The current condition, with a failing LOS at the Route 7 intersection for George Washington Boulevard, would continue to fail with either the already approved density being built-out, by adding in the proposed increased amount of medical and dental office use, or with both of these situations occurring. The “interim” condition per the proffer statement produces nearly the same traffic generation, and the analysis above identifies that it is nearly equal regardless of how much of or where the transferable medical and dental density is per the current proffer.

If this application should be approved by the Board of Supervisors, which on the best-of schedules could be on November 9, 2009, the likely period of impact of this newly approved density would be approximately nine or ten months (i.e., until the interchange opens). Even with the high desire for the use expressed by the applicant, the current climate for filling office space, be it general, research and development, or medical and dental, would presume a period of uptake by the market that could exceed this interim phase.

All comments from staff were adequately addressed by the applicant. For the reasons noted above, and throughout this report, there are no outstanding transportation issues.

### **FIRE AND RESCUE**

The Department of Fire, Rescue, and Emergency Management provided the following information regarding estimated response times:

Ashburn VFRC - Station 6	6 minutes, 53 seconds
--------------------------	-----------------------

The site has fire hydrants on-site as required by the Facilities Standards Manual. The Department offered no objection to approval of the application.

### **PROFFER STATEMENT**

A Proffer Statement revised dated August 11, 2009, has been reviewed and commented on by the Office of the County Attorney and Zoning Administration staff, and all suggested changes have been made by the applicant. It commits the applicant to substantial conformance with Sheet 4 of the Plat set, and limits the development of medical and dental office space to a maximum of 49,000 square feet on the property. It also commits that no more than 21,779 square feet – exclusive of any medical and dental office it could develop pursuant to ZCPA 2005-0017, which could be as much as 18,476 sf – until the interchange of Loudoun County Parkway and Route 7 is open to the public, or August 2, 2010, whichever occurs first. After that point, the remainder (worst-case scenario: 8,754 sf) of the maximum 49,000 square feet could be established. A twenty-foot road reservation area adjacent Route 7 is also provided for future expansion of Route 7.

## **E. ZONING ORDINANCE CRITERIA FOR ZCPA APPROVAL**

Section 1208.2 of the 1972 Zoning Ordinance provides the following standards that the Planning Commission must consider when developing findings in support of a recommendation to the Board of Supervisors. Staff includes the following analysis for each criterion:

Standard      *1208.2.1 – Relation to Major Roads.*

Analysis      *The request to increase the maximum amount of medical and dental office space to 49,000 square feet on Parcel L3A would create some additional trips in the interim, as this use generates a greater number of trips than the permitted research and development office uses. The amount of trips could be variable, as the ZCPA 2005-0017 proffer allows a transfer of square footage between Parcel L3A and L4B. The property is served by an already developed road network, and its' current nearest access to Route 7, and the rest of the County/region, is via George Washington Boulevard. This access will be closed when the Route 7/Loudoun County Parkway interchange opens within the next year (approximately August 2010).*

Standard      *1208.2.2 – Relation to Utilities.*

Analysis      *The Property is already developed with a three-story, 86,537 square foot professional office condominium building, and all aspects of utility provision are in place. This application for additional medical and dental office use density on this parcel would not require any additional utility resources or burdens to the existing infrastructure.*

Standard      *1208.2.3 – Relation to Public Facilities.*

Analysis      *The Property is already developed with a three-story, 86,537 square foot professional office condominium building, and much of the entire University Center planned development is built or under construction, complete with planned for and approved public facilities. The additional medical office use density being requested for the parcel would not place undue strain on these facilities or require additional public facilities to be provided.*

Standard      *1208.2.4 – 1208.2.10.*

Analysis      *Not applicable.*



<b>V. ATTACHMENTS</b>		<b>PAGE #</b>
<b>1. Review Agency Comments</b>		
a. Building & Development, Zoning Administration	(06/10/09, 03/31/09)	A-001
b. Planning Department, Community Planning	(06/19/09, 04/03/09)	A-006
c. Office of Transportation Services (OTS)	(05/29/09, 03/11/09)	A-011
d. Virginia Department of Transportation (VDOT)	(06/11/09, 04/01/09)	A-017
e. Fire, Rescue & Emergency Services	(04/07/09)	A-021
<b>2. Statement of Justification</b>	(dated 12/04/08 revised through 06/23/09)	A-023
<b>3. Applicant's Response to Referral Comments</b>	(07/29/09, 06/26/09, 05/08/09)	A-031
<b>4. Disclosure of Real Parties in Interest</b>	(signed 06/16/09)	A-043
<b>5. Reaffirmation of Disclosure of Real Parties in Interest</b>	(signed 08/14/09)	A-065
<b>6. Draft Proffer Statement</b>	(dated 08/11/09)	A-067
<b>ZCPA Plat set (4 sheets)</b>	(Dated December 19, 2008, revised through 06/22/09)	Attached